REMARKS/ARGUMENTS

Claims 2-26 are in the case. Claims 18-25 are withdrawn based on the imposed restriction. Nonetheless, these non-elected claims are retained and amended to depend from the elected subject matter of Claim 2 so that the Office may consider rejoinder upon determining that the elected product claims are allowable. With respect to the species election, Applicants reiterate their request to expand to the non-elected species upon finding that the elected specie is allowable.

Claim 2 is amended in accordance with the disclosure for the variable R^6 found on page 19, line 19 to page 22, line 15 of the specification. The remaining claims have been amended consistent with the amendments to Claim 2, from which these claims depend.

The objection to claim 6 is no longer relevant to the amended claims presented here.

No new matter is added.

On page 6 of the Action, the Examiner has objected to the specification for allegedly failing to define certain variables within Formula (I). However, the Examiner is incorrect as those descriptors are presented at least on page 19, line 8 through page 22, line 24.

The Examiner has rejected the claims under 35 USC 102 based on a number of CAS database entries (see pages 7-9 of the Official Action and the CAS database printouts attached to the Action) and Wu's (WO 2006/050351) compound 1 on page 18, Table 1.

Based on the amended claims submitted herein, Applicants submit that none of the noted citations teach a compound of formula (I) where R^6 is C_1-C_6-alkyl, C_2-C_6-alkenyl, C_2-C_6-alkynyl, C_1-C_6-alkyl alkoxy, C_1-C_6 alkyl acyl, C_1-C_6-alkyl carboxy, C_1-C_6-alkyl acylamino, C_1-C_6-alkyl amino, C_1-C_6-alkyl aminocarbonyl, C_1-C_6-alkyl alkoxycarbonyl phenyl 2,5-dimethoxy phenyl, 2-methoxy phenyl, 3-methoxy phenyl), acetylamino phenyl

aminophenyl, dimethylamino phenyl, 3-nitro phenyl, 2-nitrophenyl), methylphenyl, bromophenyl, chlorophenyl, hydroxyphenyl, cyano phenyl, 3-(1-hydroxyethyl) phenyl, hydroxamic acid phenyl, 3-(N- hydroxycarbamimidoyl)-phenyl-4-yl, acetyl phenyl benzyl piperazine carbonyl phenyl phenyl optionally substituted with heteroaryl aryl amino sulfonyl, aryl sufonyl fused phenyl, C_1-C_6-alkyl aryl, pyridine-3-yl-methyl, pyridine-4-yl-methyl, 2-(1 H-tetrazol-5-yl)ethyl, 2- (2-hydroxy-1,3,4-oxadiazol-5-yl)ethyl, 3-(2-hydroxy-1,3,4-oxadiazol-5-yl)propyl and 3- (1 H-imidazol-1-yl)propyl; C_1-C_6-alkyl C_3-C_8-cycloalkyl, C_1-C_6-alkyl heterocycloalkyl, or R^5 and R^6, together with the carbon atoms they are linked to, form a 5-8-membered saturated ring or aromatic ring containing optionally one or more heteroatoms selected from O, N and S (see amended Claim 2 submitted in the present paper).

Withdrawal of the rejections applied under 35 USC 102 is requested.

The Examiner has also rejected the claims under 35 USC 103(a) as obvious in view of Inaba (cited as one of the CAS entries), Wu or Takaya. The basis of the rejection is provided on pages 11-12 of the Action but briefly the rejection posits that the three citations generally describe the compounds and it would have been obvious to make some modifications to achieve similar activity.

First, Applicants cannot agree that Inaba, Wu or Takaya teach compounds in homologous series as defined in the claims rendering the present claims obvious. (See "Where an invention for which a patent is sought is a compound which is a member of an homologous series and the prior art discloses a *nonadjacent* member of that series, we do not consider the Hass and Henze cases authority for the legal presumption of obviousness of the claimed invention." *In re Elpern*, 326 F.2d. 762, 140 USPQ 224 (CCPA 1964)).

Second, the cited references of Inaba, Wu and Takaya provide only general disclosure as to very different compounds with different activities and as such there is simply nothing in the art that suggests to the problem underlying the present invention, inhibitors of Phosphoinositide 3-kinases. See

> . . . an invention is not obvious to try where vague prior art does not guide an inventor toward a particular solution. A finding of obviousness would not obtain where "what was 'obvious to try' was to explore a new technology or general approach that seemed to be a promising field of experimentation, where the prior art gave only general guidance as to the particular form of the claimed invention or how to achieve it." This expresses the same idea as the KSR requirement that the identified solutions be "predictable."
>
> Bayer Schering Pharma AG v. Barr Laboratories, Inc. *2009* U.S. App. LEXIS 17372, 91 U.S.P.Q.2D (BNA) 1569 (Fed. Cir. 2009) (internal citations omitted)

Takaya's experimental section deals with not bis-thiazole derivatives and indeed as set forth in col. 1 of Takaya, the purpose of those compounds is superior cardiotonic activity. Inaba's compounds differ structurally from those claimed in that Inaba's compounds bear an amide group of position R^1 and are designed to inhibit PKC. Finally, Wu's compounds 1 and 2, which are structurally different from the others and are designed to be hedgehog pathyway modulators provides no relevant teachings as to the thiazole compounds of the present claims and their design for the purpose of inhibiting Phosphoinositide 3-kinases. Indeed, the disclosures that are relied upon in the rejection are only "general guidance" and simply is not the "finite disclosure" and guidance to "a particular solution" that the law requires. (*Id.*).

In view of the above and the amendments submitted in this paper, it is requested that the 103 rejection be withdrawn.

A Notice of Allowance for all pending claims is also requested.

Respectfully submitted,

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